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## FISCAL IMPACT REPORT

**SPONSOR** Barela **ORIGINAL DATE** 1/22/07  
**LAST UPDATED** 2/13/07 **HB** 231/aHJC

**SHORT TITLE** Uniform Power of Attorney **SB** \_\_\_\_\_

**ANALYST** Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>3 Year Total Cost</b>	<b>Recurring or Non-Rec</b>	<b>Fund Affected</b>
<b>Total</b>		minimal				General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### **SOURCES OF INFORMATION**

LFC Files

#### Responses Received From

Office of the Attorney General (OAG)

### **SUMMARY**

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 231 in the section on agent's duties states that if so requested and unless a shorter period of time is required by a law other than the Uniform Power of Attorney Act within 30 days shall comply with his duties.

#### Synopsis of Original Bill

House Bill 231 enacts a new Uniform Power of Attorney Act which replaces and repeals existing law regulating powers of attorney (NMSA Sections 45-5-501 through 45-5-617). The new act will regulate powers of attorney which are writings or records that grant authority to one person, the agent to act in the place of another, the principal. The new act will regulate signing, durability (survival of a power of attorney after incapacitation of the principal), the effect of appointment of a conservator or guardian on the power of attorney and agent, effective date, termination, agent compensation, authority etc.

The bill also contains a statutory form power of attorney.

**FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

**SIGNIFICANT ISSUES**

This bill enacts the Uniform Power of Attorney Act drafted and approved by the National Conference of Commissioners on Uniform State Laws at its annual conference July 7-14 2006. The prefatory note to the adopted version describes the new act as primarily a set of default rules that preserve a principal's freedom to choose both the extent of an agent's authority and the principles to govern the agent's conduct.

The note advises that the new act is meant to address the growing divergence among the states with respect to statutory treatment of powers of attorney.

DW/mt